HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 24945 of 2006

DATED: 19.1.2007

Between:

G. Srinivasa Rao and others

… Petitioners

and

The Commissioner, Municipal Council,
Serilingampally Municipality,
Ranga Reddy District and others

…
Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 24945 OF 2006

ORAL ORDER:

The writ petition is misconceived.

The petitioners seek "a direction more in the nature of writ of Mandamus directing the respondents 1 and 2 to consider and pass appropriate orders in accordance with law on the objections filed by the petitioners for granting permission to the respondent Nos. 3 and 4 in respect of the land falling in Sy.No.27 either for construction or layout in respect of land in Sy.No.27 of Guttalabegumpet village, Serilingampally Mandal, Ranga Reddy District."

The petitioners and respondents 3 and 4 own lands in Sy.No.27 (which is of a total extent of Ac.6.01 guntas) in Guttalabegumpet village, Serilingampally Mandal, Ranga Reddy District. By a private arrangement, Sy.No.27 has been earmarked between the parties as Sy.Nos.27/1 and 27/2 for personal identification for location of the respective properties. The

petitioners however state that there are disputes between them as to the location of the respective properties and that the respondents 3 and 4 are attempting to encroach on the extent of land belonging to the petitioners. The respondents have also been granted by the Government the benefits under G.O.Ms.No.455 dated 29.7.2002 and permitted to hold land in excess of the ceiling under the Urban Land Ceiling legislation by way of issuance of G.O.Ms.No.539 dated 10.5.2006. Pursuant to the issuance of G.O.Ms.No.539 and the permissions contained therein, the petitioners apprehend that the respondents 3 and 4 would apply to the 2nd respondent for layout approval and the second respondent would grant the layout approval. Relief is claimed in this writ petition on the above assumptions.

If there are disputes between the petitioners and the respondents 3 and 4, then it is for the petitioners, if aggrieved to seek resolution of such disputes as to location, ownership or possession of the property before a civil court of competent jurisdiction and in such proceedings to seek comprehensive relief including against the 2nd respondent for an order restraining grant of approval or to pursue any other appropriate remedies, whereat the substantive disputed positions could also be resolved. The writ petition under Art.226 of the Constitution does not appear to be the appropriate remedy.

The writ petition is accordingly dismissed at the stage of admission. No costs.

GODA RAGHURAM, J

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Date: 19.1.2007

CVM